(S)

(57)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION (S) No. 2517 of 2007

PETITIONER : Rajendra Prasad Tiwari Son of Shri Mordhwaj Tiwari, aged about 40 years, Occupation Panchayat Secretary of Village Panchayat Bandhauri, and Resident of Village Dharmohli, Janpad Panchayat and Tahsil Marwahi, District Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through: The Secretary, Department of Panchayat and Rural Development, D.K.S. Bhawan Raipur (C.G.)

2. The Collector, Bilaspur District Bilaspur (C.G.)

3. The Joint Director, Panchayat and Social Welfare, Bilaspur (C.G.)

4. The Chief Executive Officer, Janpad Panchayat Marwahi, District Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Present: Shri Ashok Kumar Shukla, Advocate for the petitioner.
Shri Vinay Pandey, Panel Lawyer for the State / respondent no.1 to 3.

ORDER

(Passed on 24th day of April, 2007)

1. The petitioner is working as Panchayat Secretary in village Panchayat Dharmohli, Janpad Panchayat Marwahi, District Bilaspur, is aggrieved by the order dated 19.03.2007 (Annexure P/1), whereunder the Joint Director, Panchayat and Social Welfare, Bilaspur, has directed the Chief Executive Officer, Janpad Panchayat, Marwahi, to initiate steps for cancellation of his

(38)

appointment on the basis of complaints submitted by some residents of the village.

2. On bare reading of the order, it is clear that this letter has been forwarded to the Chief Executive Officer to take steps in accordance with law as prescribed under the provisions of Rule 7 of M.P. Panchayat Service (Discipline & Appeal) Rules, 1999.

3. No action has been taken either by the Gram Panchayat or the Chief Executive Officer till date. It is expected that any steps for taking action against the petitioner shall be done in accordance with provisions of law as enshrined in Rules, 1999. Thus, at this stage, this petition is premature.

4. Without expressing any opinion on merit, this petition is dismissed summarily as not maintainable. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit